

## 2010 RHODE ISLAND ACLU CASE DOCKET

Cases Active January-December 2010

\* indicates case opened in 2010; # indicates case closed in 2010

Arrighi v. Cintas Corporation No. 2. PRIVACY. Lawsuit on behalf of numerous employees of a private company who, in the absence of any cause, were ordered to submit to drug testing in violation of state law. Discovery is proceeding. Cooperating Attorneys: Carolyn Mannis, Robert Senville, Catherine Sammartino

\*Boyer v. Jeremiah. DUE PROCESS/STUDENT RIGHTS. Class-action lawsuit charging that the state's truancy court system is devoid of basic due process protections, and that school districts unlawfully refer students to the court. Defendants' motion to dismiss was denied. Cooperating Attorneys: Thomas W. Lyons, Amy R. Tabor. National ACLU Attorney: Robin Dahlberg

Brown v. Providence Police Department. OPEN RECORDS/POLICE PRACTICES. Open records lawsuit seeking police department policies governing the use of video surveillance cameras in police cars. A court ordered their release. Settlement negotiations on plaintiff's request for attorneys' fees are proceeding. Cooperating Attorney: Staci Kolb

Brown v. R.I. State Police. OPEN RECORDS/POLICE PRACTICES. Open records lawsuit seeking both access to a State Police cruiser camera videotape of a controversial traffic stop and copies of the agency's traffic enforcement policies and procedures. Cooperating Attorney: Thomas W. Lyons

\*#Carbone v. State of Rhode Island. DUE PROCESS. Lawsuit contesting the procedures used by the Division of Motor Vehicles in suspending the licenses and registrations of thousands of motorists due to alleged unpaid fines that went back decades. A comprehensive settlement agreement revising the DMV's notice procedures was entered. Cooperating Attorney: James Kelleher

Cook v. Wall. FREEDOM OF SPEECH/RIGHTS OF PRISONERS. Federal lawsuit against the Department of Corrections alleging that correctional officials engaged in a pattern of retaliation against an inmate after he publicly criticized Department of Corrections' mail policies and sought legal assistance from the ACLU. Cooperating Attorneys: Amato DeLuca, Miriam Weizenbaum, Michael Eskey, Matthew Jerzyk

#Damiani v. City of East Providence. DISABILITY DISCRIMINATION. Federal lawsuit challenging the city's "physical examination" requirement for the position of assistant harbor master, imposed for the first time only after the plaintiff, with a known disability, applied for the position. A settlement agreement awarding damages and attorneys' fees was entered. Cooperating Attorney: Carolyn A. Mannis

#Estrada v. R.I. State Police. RACIAL PROFILING. "Racial profiling" lawsuit challenging the legality of the stop, hour-long detention, and transporting to immigration officials of fourteen Guatemalans; the suit argues that the stop and detention were based solely on the ethnicity of the driver and passengers. The lower court dismissed the suit, and the appellate court affirmed the dismissal. Cooperating Attorney: V. Edward Formisano

Fontes v. City of Central Falls. RIGHTS OF VOTERS. Lawsuit challenging the disqualification of a Mayoral candidate based on a city charter provision barring voters from signing more than one nomination paper for the same political office. The court ruled the provision unconstitutional. A motion for attorneys' fees is pending. Cooperating Attorneys: Armando Batastini, Timothy Baldwin

\*Gianfrocco v. Cranston School Department. RIGHTS OF EX-OFFENDERS. Lawsuit challenging a school district policy barring parents with any felony drug offenses from serving as school volunteers. Administrative complaints with the Department of Education and the Human Rights Commission have also been filed. Cooperating Attorney: Carly Beauvais Iafrate

\*Gomez v. Pawtucket School District. DISABILITY RIGHTS. This is a class-action administrative civil rights complaint, filed with R.I. Legal Services, challenging a school district practice of routinely destroying evaluation and test protocols of children used to determine their eligibility for special education services, preventing parents from challenging the evaluations. Cooperating Attorney: Amy R. Tabor

Inmates of the Rhode Island Training School for Youth v. Lindgren. RIGHTS OF JUVENILES. This long-running class-action lawsuit challenges the constitutionality of conditions at the Training School. A comprehensive revised consent decree was approved by the court, and ongoing monitoring of the decree is proceeding. Cooperating Attorney: John W. Dineen. ACLU National Prison Project: Amy Fetting

\*Lopera v. Town of Coventry. STUDENT RIGHTS/PRIVACY. “Friend of the court” brief challenging the constitutionality of a police search conducted on student athletes leaving a soccer match, based solely on the coach’s consent. A decision is awaited. Cooperating Attorney: Thomas R. Bender

\*Matson v. Town of North Kingstown. FREEDOM OF SPEECH. Federal lawsuit challenging a town ordinance that discriminatorily limits the posting of political signs. A temporary restraining order was entered against enforcement of the ordinance. Cooperating Attorney: Richard A. Sinapi

\*Moderate Party of Rhode Island v. Lynch. RIGHTS OF CANDIDATES. Lawsuit challenging a state law that allows residents to make a donation on their tax return to political parties through a “nonpartisan account,” but excludes new parties from the disbursement. The court upheld the statute. Cooperating Attorney: Mark W. Freel

#Monteiro v. City of East Providence. RIGHTS OF VOTERS. Federal lawsuit challenging City Charter provisions that impose increased signature-gathering burdens, above and beyond what state law requires, on candidates who wish to run for local office. The provisions were repealed, and attorneys’ fees were awarded. Cooperating Attorney: Angel Taveras

\*#Moura v. East Providence School Committee. OPEN MEETINGS. Open meetings lawsuit challenging a school committee’s closed meeting to discuss a non-existent “Public Comment Lawsuit.” The suit was voluntarily dismissed after defendants averred that no discussion of the agenda item ever took place. Cooperating Attorneys: Howard Merten, Keith Fayan

Phoenix-Times Publishing Company v. Hasenfus. OPEN MEETINGS. Open meetings lawsuit challenging the adequacy of school committee agenda notices and the committee’s discussion in executive session of a proposed breathalyzer policy for school dances. The court found the agendas were deficient and violated the Open Meetings Act. Cooperating Attorney: Howard Merten

Qu v. Central Falls Detention Facility Corporation (II). RIGHTS OF IMMIGRANTS/RIGHTS OF PRISONERS. Federal lawsuit on behalf of the family of a 34-year-old Chinese detainee who died while in the custody of immigration officials at the Wyatt Detention Facility in Central Falls. Discovery is proceeding. Cooperating Attorneys: John McConnell, Jr. Robert McConnell, Aileen Sprague

\*#Ramos v. City of Pawtucket. PRIVACY. Lawsuit charging city officials with violating a state law that restricts random drug testing in the workplace. A settlement agreement was entered, in which the defendants formally apologized to the plaintiff, paid attorneys' fees, and agreed to revise their drug testing policies. Cooperating Attorney: Richard A. Sinapi

\*Reilly v. City of Providence. FREEDOM OF SPEECH. Federal lawsuit charging Providence police with violating the free speech rights of a local resident when she was threatened with arrest for leafleting on a public sidewalk. Cooperating Attorney: Richard A. Sinapi

#R.I. ACLU v. Carcieri. ACCESS TO PUBLIC RECORDS. Open records lawsuit against the Governor for refusing to release documents relating to the chain of command for state governance during the Governor's absence from the state. The court ordered immediate release of certain documents, and also awarded attorneys' fees. Cooperating Attorney: Kathleen Managhan

R.I. ACLU v. CVS Caremark Corporation. PRIVACY/DISCRIMINATION. Administrative complaint challenging a company's on-line application form that asks questions that could have the effect of discriminating against applicants with certain mental impairments. Cooperating Attorney: Christopher Corbett

R.I. ACLU v. Rhode Island Department of Human Services. RIGHTS OF IMMIGRANTS. This is a formal administrative complaint filed with the U.S. Department of Health and Human Services' Office of Civil Rights, claiming that DHS has failed to provide adequate interpreter services to clients with limited English proficiency. An investigation is proceeding.

\*R.I. ACLU v. Gifford. PRIVACY. Lawsuit challenging the adequacy of privacy and confidentiality protections in regulations the Department of Health has adopted to implement a centralized database of patient health care records in the state. Cooperating Attorney: Frederic Marzilli

\*#R.I. ACLU v. North Smithfield School Committee. STUDENT RIGHTS. Administrative complaint challenging a school district's imposition of a \$150 "athletic management fee" for students wishing to participate in interscholastic sports. Shortly after the complaint was filed, the school district made the fee voluntary. Cooperating Attorney: Merlyn O'Keefe

R.I. ACLU v. R.I. State Board of Elections. RIGHTS OF VOTERS. Lawsuit challenging a state regulation allowing municipalities to conduct same-day registration and voting for President in places instead of city or town hall, despite a statutory mandate to the contrary. Orders were entered requiring restoration of statutorily-appropriate voting arrangements. Cooperating Attorney: Angel Taveras, Albin Moser

\*R.I. ACLU v. Rhode Island State Police. RIGHTS OF IMMIGRANTS. This is a formal complaint filed with the U.S. Department of Justice, claiming that the State Police have failed to provide adequate language interpreter services as required by federal law. Cooperating Attorney: Jennifer Doucleff

#R.I. ACLU v. Senesco Marine. DISABILITY RIGHTS. Administrative complaint challenging an employer's requirement that all job applicants attest they are "physically and mentally capable" of working without any "need for changes or adjustments." After a probable cause finding of discrimination was issued, the employer agreed to revise the form and pay attorneys' fees. Cooperating Attorney: Michael Feldhuhn

R.I. ACLU v. State of Rhode Island [Court Interpreters]. ACCESS TO THE COURTS. This is a formal administrative complaint filed with the U.S. Department of Justice, claiming that the state courts have failed to provide adequate language interpreter services to criminal defendants. An investigation is underway.

R.I. Coalition Against Domestic Violence v. Carcieri. DUE PROCESS/OPEN GOVERNMENT. Lawsuit challenging a Gubernatorial executive order requiring all vendors and contractors doing business with the state to register with the federal government's E-Verify work authorization program. A temporary restraining order was denied. Cooperating Attorney: Randy Olen

\*#RI NOW v. Wall. ACCESS TO PUBLIC RECORDS. Open records lawsuit against the Department of Corrections for refusing to disclose its policies relating to the use of restraints on pregnant prisoners. After suit was filed, the Department agreed to release the documents. Cooperating Attorneys: Neal McNamara, Jillian Folger-Hartwell

\*Richard v. Woonsocket School Committee. STUDENT RIGHTS. Administrative complaint challenging a school district's imposition of a mandatory uniform policy. Cooperating Attorney: John W. Dineen

Rogers v. Mulholland. CHURCH-STATE SEPARATION. Federal lawsuit challenging a city's preferential treatment of parochial schools over public schools in granting permits for the use of city athletics fields. Discovery is proceeding. Cooperating Attorney: Sandra A. Lanni

Sam M. v. Carcieri. RIGHTS OF CHILDREN. "Friend of the court" brief challenging a lower court's dismissal of a case seeking remedial action against DCYF for the mistreatment of foster children in its care. The appellate court held the case could proceed. Cooperating Attorneys: Andrew Prescott, Steven Richard

#Simone v. Town of Johnston. PRIVACY. Federal lawsuit challenging a police department's disclosure of private driver's license information to a town council member. Defendants agreed to pay damages and attorneys' fees. Cooperating Attorney: James Kelleher

Spruill v. Alexander. DUE PROCESS/RIGHTS OF THE POOR. Federal lawsuit, filed with a national welfare rights group, challenging the state's failure to process food stamp applications in a timely manner. A detailed settlement agreement has been entered and is being monitored. Cooperating Attorney: Lynette Labinger

University of Rhode Island Student Senate v. Town of Narragansett. DUE PROCESS. This lawsuit challenges a town ordinance that authorizes police to charge tenants and landlords with allowing "unruly gatherings," and to post orange stickers on houses that have allegedly been the site of such gatherings. A lower court dismissed the case, and an appeal is pending. Cooperating Attorney: H. Jefferson Melish

\*Watchtower Bible and Tract Society v. Segardia de Jesus. FREEDOM OF SPEECH. "Friend of the court" brief, filed with the National ACLU and other New England affiliates, challenging a Puerto Rico law that gives certain neighborhoods the right to close themselves off from political and religious canvassers. Cooperating Attorney: John W. Dineen

Young v. Wall. RIGHTS OF PRISONERS. The ACLU took over this *pro se* inmate's lawsuit challenging, as an unlawful taking of property without just compensation, a prison policy eliminating the right of inmates to obtain interest on their inmate accounts. An unfavorable ruling has been appealed. Cooperating Attorney: Andrew Prescott